

Mecklenburg County
Building-Development
Commission

**Notes from Public
Hearing on
Commercial Permits
Process Changes**

February 12, 2001

February 12, 2001

**Summary of the outstanding issues from the Public Hearing
on the proposed Commercial Permits Process Changes**

- Need an appeal on Gatekeeper decisions
- Additive comments should be exempt for the \$100/hour charge
- Need an oversight group on Code Enforcement business side
- Add retaining structures to Commercial Plan Submittal Requirements
- Need a notice procedure for A&E's (soft start)
- Opposed to re-review fee
- Opposed to grading A&E's code compliance performance
- Need to divide out small projects; control not necessary on these
- Implement carrots, but not the sticks
- Object to architects being responsible for M/E/P errors
- Need to suspend re-review fee charges when IBC is introduced

BUILDING DEVELOPMENT COMMISSION
Public Hearing
Room 118, Charlotte-Mecklenburg Government Center
Public Hearing Minutes 3:30 p.m., February 12, 2001

I. CALL TO ORDER

The Public Hearing regarding several proposed changes in the Commercial Permits process for the Engineering & Building Standards Department of Mecklenburg County was called to order by Building Development Commission Chairman Tom Dooley at 3:35 p.m.

II. PROCEDURE OF THE HEARING

- Request to speak to be filled out in advance.
- Moderator calls speaker.
- Speaker allowed three minutes.

III. CALL OF THE PUBLIC HEARING

The following call of the Public Hearing was read by Assistant Kathleen L. Rivers:

**NOTICE OF PUBLIC HEARING ON MECKLENBURG COUNTY COMMERCIAL PERMITS
PROCESS CHANGES**

NOTICE is hereby given that a public hearing will be held by the Mecklenburg County Land Use and Environmental Services in the Meeting Chamber #118 of the Charlotte-Mecklenburg Government Center, 600 East 4th Street, Charlotte, North Carolina, beginning at 3:30 p.m. on **Monday, February 12, 2001** on several proposed changes in the Commercial Permits process.

Proposed Changes Include:

- Gatekeeper Proposal
- Re-review Fee Proposal
- Designer as point of contact
- A/E performance goals
- Written plan review comments, e-mailed to professionals
- Required A/E response to comments
- Approved as Noted criteria
- Commercial Master Plan Program
- Professional Priority Review Program
- Eliminate unnecessary reviews
- Quarterly plan review defect reports

IV. REVIEW OF TOPICS TO BE DISCUSSED

- Jim Bartl, Director of Code Enforcement, reviewed the re-review fee, designer as point of contact, and unnecessary reviews. These topics were signed up for discussion.

V. PUBLIC COMMENTS

William Rakatansky, AIA, CSI, NCARB, Freeman White Associates

- Will improve efficiency, now professionals assume CEO's do quality control
- A/E license require compliance; E&BS generous in past with time
- Proposed initiatives correct misunderstanding
- Suggestions: Gatekeeper: immediate appeal available
Re-Review Fee: companion to approved as noted
If reversal, fees refunded

James Boniface, AIA, Former BDC Chairman, Co-Chairman Legislative Study Commission

- In favor: asked staff to look at plan submittals by hand. Appalled at plan review turnaround study, problems not limited to Charlotte
- Need E&BS to be timely and appeal. Command shouldn't be additive process

Damaso Lopez, McCracken & Lopez; EE

- Submits on regular basis. System should be improved especially with written plan review comments. And A/e written response
- Don't like re-review fee, but support as necessary.
- Initiatives approved will speed up and save time

Glenn Agnew, retired engineer with long experience in code work

- Served on two of teams with input
- Design community considers to be positive. Some concern would like to feel cost won't go one way and benefit another.
- Obvious department has to be more efficient. Design community will support changes. Too often in the past has been as adversarial.
- Proposals have adequate incentive and reward.
- Recommend: Setup and oversight group as interface between E&BS and design community. This will improve level of comfort by professional community

Michael R. Simac, PE, President of Earth Improvement Technologies

- Pride self in preparing compliant documents; market same.
- Objects to encourage and reward this. Can have a positive impact.
- Currently self policing procedures have been insufficient; initiatives focus on completeness. Reward is time priority, which is significant benefit.
- Strongly support as encourages better documents in all interested.
- Request: current retaining structures not included. Add to plan submittal requirements.

Katie Tyler, Tyler II Construction, Inc.

- In favor of anything with efficiency
- Concerns is with logistics: a) Will A/E be required to have bond, b) Need to know when this will take effect
- Support with comments and clearly in place.

Jorge Cowley – President of Cowley Engineering

- Priority Review: agree and support as incentive to get it right.
- Earth retention structures – sometime little design information and geo tech work – NCSBC requires over 5' required or geo technical
- Design build may yield improved monitoring
- Happy to meet and discuss further

George D. Barrier, President of Barrier Engineering, engineer of earth retaining walls

- Work tied to completeness of construction documents
- Support changes, but request issues of earth retaining structures in site work
- E&BS doesn't review
- Little Owner control and unqualified building
- 30' high retaining walls not uncommon
- Inevitable to have collapse
- Solution: Checklist adds required earth structures on drawings

J. Reid Bailey, practicing engineer

- Support, as it supports complete plan set for submittal
- Supports A/E as point of contact
- Investigates failure from soil settlement
- Request: Plan submittal requirements needs to include earth retaining structures. Should draft and implement submittal and construction requirements.

Butch Heyworth, Heyworth Plumbing

- Plans fail test because of E&BS decision to fail
- Doesn't feel will lose license. Will be graded as on inspections won't get answer from BDC; until it has good standard, it's all wrong.
- You're not failing because of code violation, fails because E&BS wants you to.

Dale A. Brigham, AIA, Little & Associates

- Supports all 20 initiatives
- Primary concern is Designer as Point of Contact
- Good for profession of A&E's. Idea of the task force was to increase successful professionals.
- With these initiatives, it will improve.

Dennis Sommers

- Opposed to re-review fee. Referenced outlet problems and many similar cases
- Doing to finance because time is valuable
- But you allow free preliminary reviews
- And free 3rd review
- Proposed 3 A/e go through racks to report to BDC
- Opposed to grading system. I'm licensed, if I'm that bad, take me to the State
- Turndowns are not for life safety issues.

Jose A. Morales, Designer, worked in Charlotte 18-19 years

- Agree with most except divide small projects out to move through faster.
- Will create better systems, but for small projects not necessary.

Joe D. Mann, Mann Contractors, Inc.

- Many things I like, being able to use commercial master plan is good too.
- Also in favor of more A/E's at Hal Marshal Center, rather than contractor
- Have problem with grading system – can't pay someone to wait for three days. Be careful on grading system.

Stephen W. Tullock, AIA

- Able to get word out – need more public hearings
- Support 17 or 20 initiatives – same procedure he has used for 10 years
- Concerns: a) Thinks will have long line for preliminary review (how will you address backlog) b) If changes in field, will get hit for \$100/hour (should have one try to get it right). c) Easy to have \$600 bill; can impact on small firms d) Thinks you should get one chance to get it resolved with E&BS before the fees are imposed. If it's gotten to the third review and no one has picked it up, it must be in a gray area.

Robert H. Ranson, North Mecklenburg Plumbing Company

- Been in business about 40 years, has a good relationship with inspectors
- Fear is that the inspectors have too much power; you can find something wrong if you look long enough in that trade.
- Need to be careful about changes. We feel inspector is our best friend on the job, and he would like to keep it that way, he doesn't want any enemies.
- He didn't get notice of the meeting.

Mary Cochran, Pool Company Representative

- Used to draw their own plans, but the law changed and they could not find an architect to draw pool plans. They trained an architect to take over this part of business. Last permit they tried to get took over eight weeks.
- With all due respect to architects, they corrected the mistakes of the architects time and time again, who had the attitude that they would let the department catch it. They don't do business that way. Architects as a whole don't want to do swimming pools.
- Easier to get in touch with God than the plan reviewers and facilitators.

Jim Beasley, Solutions by Design

- Support of 90%, believes it will go a long way to make things more efficient
- Opposed to the re-review fees because the architect is charged the \$100 per hour regardless of who is at fault. There are often 5 or 6 different disciplines working on a job and they are not all contracted to the architect. Chances are you won't get that money back.
- Don't think its fair to charge for changes in field, when you are trying to solve legitimate issues no one could have known about.
- Implement on the carrots, but hold back on the stick for a while.

Eddie Heyworth

- I would ask that through your evaluation today that you publicly put out for viewing – I think you need to be careful on that. As shown on our inspection results, we have shown you that there are some bugs in that. You are evaluating the architects and need to be aware that there are legal ramifications.

VI. COMMENTS BY BDC MEMBERS

Greg Austin – Probably need to take a look at if the architect is the one who is responsible is not the one who actually does the work, then it seems that the one who actually does the work should be responsible. Secondly, the wall situation may be a problem. He doesn't know if we are responsible for that, but if we are, we should review this issue.

VII. QUESTIONS AND ANSWERS

1. **Mike Toomey, registered engineer** – What is the \$100 based on?

James Bartl – based on the average cost of the plan reviewer's salary when you take into account benefits and overhead to the department.

Mike Toomey – Thinks overhead costs should be excluded.

James Bartl – Wishes he could exclude overhead, but can't.

2. **Charley Watts** – Where does implementation stand right now and where do we go from here?

James Bartl – Last Tuesday night, the BOCC pushed the implementation back from March 31 to May 1.

Charley Watts – Implementation of all initiatives?

James Bartl – The items that required action by the BOCC are the re-review fee, and inside of that is the 25% permit fee paid at the time of application. The rest of the initiatives are a matter of the department processing the policies with the exception of the Gatekeeper. The rest we will implement as we can set them up. The Gatekeeper was not deferred by the BOCC, and we are actively advertising to fill those positions.

Tom Dooley – So in reality you have approximately 75 days to implement this action on new permits, is that correct?

James Bartl – Yes, for a new plan review which enters the system on that date.

3. **Steve Tullock** – Is it possible to have a soft opening, where you have a three month period where we go through the process to learn the process and learn what you are looking for because unfortunately you are talking about a system that is very subjective in nature, and that way we would get handed the bill at the end of the project so that hopefully, what it will do is take those people who are being “a drag on the system” and act as a fair warning?

4. **Dennis Sommers** – Come January 1 of next year, we go to the IBC and we all know what a fun time we’ve all had getting used to what we are using now. Will there be some kind of moratorium on this \$100 fee, some kind of working with the department, because I don’t think anybody here will hit the deck running on the new codes.

5. **Rick Dustin, licensed Professional Engineer** – Done projects in last two years where code official questions design for them. Under these terms, will this be re-review, though it meets the intent of the code. How will you deal with it? What will the appeal process be like?

6. **William Rakatansky** – Was on a state task force of the IBC and what it may involve. One of the shortcomings we have in this state is that there is no appeals process for building code violations. Encourages E&BS to add a local appeals process. There is a zoning board of appeal, but there is no local appeals process in Mecklenburg County.

Tom Dooley – There will be an appeals process.

Ben Aycock – That is not legal under state law.

James Bartl – Depends on what you are appealing. There cannot be an appeal to the code interpretation itself, because it has a route that is specified by the General Statutes. It goes up through the chain of command in the department, and then it goes to the Department of Insurance, Building Code Council, Superior Court in Wake County. I think what you are referring to is an appeal process for the process side, not for code interpretations.

7. **Jim Beasley** – If we implement these items and the architect does indeed become the required point of contact and you are required to put up the 25% fee, does the architect post that money?

James Bartl – No, the owner or the owner’s agent can post the 25%, or they use as security the contractor’s bond with the contractor’s permission. It actually does not say anything about the architect.

Jim Beasley – So we have to bring a means of taking care of that when we resubmit. Concerning the re-review fees – as I understand it – cannot be paid by the owner or the owner’s agent or the contractor.

James Bartl – No, the lead project designer brings the payment, it doesn't say that it has to be your check. We can't make you pay it. You can bring a check from any party. This was determined by the county attorney.

VII. ADJOURNMENT

Chairman Dooley noted that attendees may submit additional comments to Engineering & Building Standards within the next five (5) days. Hearing no further comments, Chairman Dooley declared the Public Hearing closed at 4:41 p.m.

Transcribed by Kari L. Lanning, Administrative Assistant to the Building Development Commission.

MEMO

TO: Mr. Tom Turner
Building Development Commission

FROM: R.G. Agnew *Agnew*

DATE: February 15, 2001

RE: Public Hearing for Building Standards
Recommended Changes



5624 Executive Center Drive
Suite 200
Charlotte, North Carolina 28212

704-532-9473 Voice
704-532-9673 Fax

info@unitedeg.com Email
www.unitedeg.com Internet

Engineering
Solutions

Charlotte
Asheville
Raleigh

I regret that in cutting my comments back to a three minute presentation that I left out some things that I wanted to say. I appreciate you giving me an opportunity to give you my comments.

There are two items that come out in nearly every discussion that I have. One of these is how the design community is able to relate to the Plan Reviewers and Inspectors. In many cases there is a feeling that the relationship is an adversarial one. I realize that some people who make such comments are probably not the best qualified designers in the first place, but even the most conscientious designers find that occasionally there is a situation in which they think that the Building Standards employees have forgotten that the department is a service organization.

The remedy for this is something that will be evolutionary more than revolutionary because it involves continuous upgrading in the department itself and better education for the designers in their understanding of the code. Personalities inevitably become part of this equation and when you get two people together who may not like each other in the first place, trying to resolve an issue may become a little dicey.

The second concern relates to how the Building Standards Department gets its money and how it uses the money. Some people think that it is like looking down a black hole. There is no doubt that, over time, many governmental departments tend to degenerate to an unacceptable level of bureaucracy as far as the business community is concerned. This would be more important when the agency is self-supporting. When this happens, the users of the departmental services will inevitably be convinced they are paying to support an inefficient bureaucracy (just take a close look at our school system). The plain truth is that most governmental agencies need some competition in order to keep them sharp. Monopolies in government are just as bad as monopolies in business.

To: Mr. Tom Turner
Re: Public Hearing for Building Standards
Page #2

To help resolve some of the concerns, I believe there needs to be a small group, maybe four or five, that can look at the operation and financing of the department on an on-going basis and let the public know that they believe things are being handled efficiently. Such a group ought to be heavy on businessmen (sorry, business persons) who are accustomed to looking critically at how a business is operating. The Design and Construction elements of our county need to be represented just to bring pragmatic balance to the opinions expressed. It is very possible that this function could be handled as a sub-committee of the BDC. I think it would only be necessary for this group to meet formally no more than twice a year and perhaps only one time a year.

The only other comment I have on how this group should be constituted is to say that it needs to be totally impartial. That condition would seem to be contradictory to having designers and contractors represented on the group. It may be that it would be better to leave off the designers and contractors and let the sub-committee simply rely on the remaining members of the BDC to bring balance to the report.

I appreciate your invitation to sit in on a committee meeting but I will not be able to be there next Tuesday. Tell Tom Dooley and the other members how very much I appreciate what they are doing.

RGA/ah

February 12, 2001

Building-Development Commission
Mecklenburg County Engineering & Building Standards Department
700 North Tryon Street
Charlotte, North Carolina 28202

RE: Revisions to the Commercial Permitting Process

Dear Building-Development Commission:


I am in favor of the proposed revisions to the commercial permitting process. The purpose of the proposed revisions is evident; to encourage submittals of more complete plan sets. Those who provide the most complete plan sets are rewarded with priority review schedules.

I also think making the architect/engineer the point of contact is essential. This should preclude owner/contractor design changes that have not been approved by the design professional.

I use site development, grading and drainage, and building plans on a daily basis as a professional engineer investigating failures due to soil settlement. Complete plan sets are essential to the investigation process. Therefore, I am in favor of the revisions to the commercial permitting process.

However, I also beseech you to revise another area of permitting that is critical to the health and safety of the public. I have seen many soil settlement cases in close proximity to earth retaining structures. Plan submittal requirements needs to be implemented during the site plan review process regarding earth-retaining structures. Earth-retaining structures are significant structures that are used to support and retain earth near buildings, parking lots/decks, utilities, and the general public. I am confident that drafting and implementing plan submittal requirements for earth-retaining structures would not only provide a more complete plan set for end users; but, would also reduce failures related to earth-retaining structures and help protect the health and safety of the general public.

Respectfully Submitted,



J. Reid Bailey, PE

GEORGE D. BARRIER, PE

3901 Davis Lane
Charlotte, NC 28269

February 12, 2001

Building-Development Commission
700 North Tryon Street
Charlotte, NC 28202

RE: Revisions to the Commercial Permitting Process

Dear Ladies and Gentlemen,

I am a practicing consulting engineer. I engineer earth-retaining structures or retaining walls. My ability to adequately engineer retaining structures is directly related to the completeness of the construction documents provided me. I support your effort to improve the standard of quality of construction documents by "rewarding" those firms who provide the most complete drawings. I am in favor of the proposed revisions to the commercial permitting process.


I acknowledge that today's hearing is intended to address the proposed changes to the permitting process, but I respectfully request the committee acknowledge another issue of critical importance to protecting the public health, safety, and welfare that should be addressed at your earliest convenience. That is the issue of earth retaining structures with respect to the site preparation process.

The building standards department provides extensive review of all aspects of site preparation and construction. However, retaining walls, which can be the most significant structure on-site, are neglected. The industry currently managed so that a low-bid subcontractor or supplier hires and hence controls the wall engineer. Little to no owner control and no regulatory control is exercised to insure safety stable structures. In most cases profit driven non-certified installers are left unattended with full control of the stability and safety of these tall structures. Level land is becoming a rarity and grade separation is becoming the norm and 30 ft retaining walls are now more common. It is common for residential structures, walkways and roadways to be supported atop and resting under tall retaining walls.

My firm also provides forensic analysis of failed retaining structures. That area of our business is growing rapidly, not due to lack of professional competition, but due to a marked increase of failures. If nothing is done it is just a matter of time before a catastrophic failure will result in loss of life in Mecklenburg County.

A solution to the problem would be the addition of a simple line item to the checklist indicating that the site plan and structural plans included earth retaining structures. I feel strongly about the current risk to the public and would be happy to volunteer my time to assist Mecklenburg County and the City of Charlotte in this effort. You may call me at my work (599-0862) or home (598-9929) or via email (georgebarrier@barrierengineering.com).

Thank you for considering my request,



George D. Barrier, PE

THE COPELAND OFFICE INC.

PLANNING - ARCHITECTURE - INTERIORS

120 BREVARD COURT CHARLOTTE, N. C. 28202

704-333-4159

2 February 2001

Mr. Tom Dooley
Dooley Construction Company
P.O.Box 11372
Charlotte, NC 28220

I understand you chair the Building-Development Commission that will meet on Monday, 12 February, to review the recommendations of Mecklenburg County Engineering and Building Standards which were a result of several months of study by the staff and members of the design profession. I was one of the Architects who served on the Plan Review Task Force, and believe the recommendations will help address the problems experienced with long permitting times, weak contract documents, and numerous re-submittals.

While unanimous consensus is desirable, it's normally impossible. However, in this study, I can not recall any proposal that was objectionable in concept to either the design professionals or the County staff. I hope your commission will endorse the report.

One issue that was not be addressed involves the coordination of reviews between the City and County. Even without consolidation of the governments, there still could be simpler coordination of submittals to all branches involved with approvals, such as CMUD, DOT, Health Department, etc.. This is a subject for the future.

I will be out of the country on 12 February, but wanted to share my support for the recommendations you will be considering.

Very Truly Yours,



E. H. Copeland, Jr.

~~cc: John Bartlett~~

File No. meckcomm22



Cowley Engineering, P.C.

Phone: (704) 588-1513
Fax: (704) 588-0006

Post Office Box 470756
Charlotte, North Carolina 28247

MEMORANDUM

DATE: February 12, 2001
TO: Building-Development Commission
FROM: Jorge Cowley, P.E.
SUBJECT: Commercial Plan Review Process

The location of the proposed retaining wall is commonly shown on the grading plans, with a notation that it is to be designed by others.

Often the retaining wall is shown too close to the property line to allow room for the reinforcing geogrids.

Sometimes there is no geotechnical information available, or the borings are not in the area of the wall. (The North Carolina Building Code requires that earth retention structures over five feet in height be designed by an engineer, based on geotechnical information.)

Many times there are irrigation lines close to the top of the wall. These lines can leak and present problems to the stability of the wall.

Very often there are stormwater pipes and structures in the geogrid-reinforced zone of the wall.

A set of plans without a completed design for the retaining walls is not only incomplete, but also often incompatible with other elements of the design.

In addition, when the wall is left as a design/build item for the contractor or the wall subcontractor, sometimes there are not enough funds in the budget for proper monitoring of the installation of the wall.

These conditions are often not in the best interest of the owner nor conducive to the health and safety of the public.

I would be happy to meet with you at your convenience to help in any way I can to review the regulations.

1/2/01

Ms. Kathleen Rivers
Building-Development Commission
700 N. Tryon St
Charlotte, NC 28202

Re: Public Hearing on 2/12

Dear Ms. Rivers;

Thanks for the opportunity to provide input to the Commercial Permits process and proposed changes.

Late last year I went through the permitting process for a small, Type VI commercial building. The reviewers were very knowledgeable and professional. My main concern was the length of time it took to get the permit (about two months) for this small project.

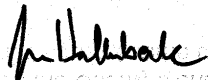
One big suggestion I have is to keep tabs on REALLY how long it takes to do an engineering review, and let people know. It's like sitting on a plane on the taxiway, and the pilot says you'll be taking off in half an hour, but it takes two hours. It helps to keep people informed.

Another problem was the organization of the paperwork. There was confusion on the County's end as to where the plans were, where the paperwork was, etc - this caused some unnecessary frustration on everyone's part.

Finally, I suggest that the preliminary review meetings be taken more seriously by the County. I did a preliminary review, but it did not bring to light many of the design issues that were brought up by the plan reviewers, contributing to a resubmittal. When I was there for my preliminary review, personnel were obviously over-committed and were not able to give me the time that should have been allocated.

I think you all are working diligently to improve the process, and it is appreciated.

Yours Truly;



John Hallenbeck, PE, RA
3400 Broadfield Road
Charlotte, NC 28226

James N. Bartl - Proposed permits process changes

From: Phil Kabza <kabzap@ODELL.COM>
To: "riverkl@co.mecklenburg.nc.us" <riverkl@co.mecklenburg.nc.us>
Date: 2/12/2001 12:19 PM
Subject: Proposed permits process changes

As it appears that weather conditions may prevent my participating in the public meeting today, I wish to make the following comments to the proposed permits process changes. These comments are my personal comments and are not made as a representative of Odell Associates Inc.:

Hourly Fees for Additional Reviews

Architects/engineers are not permit applicants; our client building owners are. Owners should be assessed for plan review fees and the related additional costs. The A/E is a representative of the owner, not an agent. While the A/E may expedite the plan review process on behalf of the owner, they should not be held responsible for the owner costs involved.

Example: If an hourly cost is levied for a third plan review due to a new plan review issue not previously raised by a first (and this can understandably occur), shouldn't the building owner be assessed, rather than the A/E? As currently proposed, the fee is billed to the A/E, who then must rely upon a reimbursables agreement in order to be refunded by the owner for the third plan review fee. The owner, meanwhile, may object to reimbursing the A/E on the basis that the missed plan review issue constitutes professional errors or omissions. This is not at all a far-fetched example, and illustrates a circumstance where the A/E has been placed in the situation of assuming additional risk on behalf of the owner without additional compensation.

Additional hourly charges should be confined to those expenses C-M incurs due to the failure of the design professionals to correct those items indicated on previous reviews. That is justified. The costs should be billed to the owner. The owner could choose to collect such costs from the A/E, depending on their contractual understanding.

Are similar proposals underway to collect additional inspection fees from construction contractors who fail to correct work identified as non-complying? Are contractors to also be billed for additional non-complying item reinspection, when those items were not previously identified? I would think this constitutes a parallel circumstance that merits review.

Philip W. Kabza AIA CSI CCS
Director of Specifications
Odell Associates Inc., Charlotte NC 28202 US
(704)414-1846 voice; (704)414-1847 fax
kabzap@odell.com

James N. Bartl

From: Brunson Russum <Brunson@nc.prestige.net>
To: <riverkl@co.mecklenburg.nc.us>
Date: 2/12/2001 11:17 AM

Kathleen:

I had intended to attend the public hearing today and speak on several of the topics. Unfortunately, my son is ill today and I will not be able to attend. I offer the following comments regarding the Re-Review Fee Proposal.

As the managing principal of a four person architectural firm, I place a very high value on time. The phrase: "Time is of the essence", is prominent in all of our contracts. Over the past three and one half years of practicing architecture in Mecklenburg County, I have observed a steady increase in review time on projects that my firm have submitted. Upon inquiring into the cause of this, I was given data that indicates an unusually high rate (38%) of projects requiring more than two reviews. This suggests to me that some design professionals might be using the plan review process to redline drawings rather than submitting complete and thorough permit documents.

The need to review plans more than two times should be a rare exception. The bottom line is that design professionals are responsible for generating complete permit documents. When they don't, and multiple re-reviews are required, they negatively affect the schedule (time) of all design professionals.

The proposed Re-Review Fee along with the other initiatives that address internal efficiencies within the Engineering & Building Standards Department and initiatives that offer incentives for design professionals that have good records appear to strike an appropriate balance between the carrot and stick. I absolutely disagree with the argument that small firms are negatively impacted by this fee. This fee has a negative impact on firms that abuse the system and thus the rest of the design community.

It is my opinion, therefore, that the Building Development Commission approve this initiative.

Sincerely,

L. Brunson Russum Jr., AIA
The Lawrence Group Architects of North Carolina, Inc.
brunson.russum@thelawrencegroup.com
704-896-1696



EARTH IMPROVEMENT TECHNOLOGIES

100 Mayflower Ct.
PO Box 397
Cramerton, NC
28032

(704)
824.0121
Fax
824.0151

February 12, 2001

Building Development Commission
Charlotte - Mecklenburg Building Dept.
Government Center Fourth Street
Charlotte, NC 28201

RE: **Comments IN FAVOR
of the Commercial Plan Review Process Initiatives**

Venue: Public Hearing February 12, 2001
Government Center; Charlotte, NC

EIT Ref. #: **P365**

Dear Commission Chair and Members:

Thank you for taking public comment on the proposed changes to the "Commercial Plan Review Process" and allowing me to speak in favor of those changes.

My name is Michael Simac and I am a registered civil engineer in the State of North Carolina and president of Earth Improvement Technologies [EIT]. Our small civil engineering and planning consulting firm prepares plans and specifications for commercial building sites and retaining structures throughout North and South Carolina. We pride ourselves on preparing complete contract documents that minimize not only plan review delays, but also disputes on scope of work and costly change orders. EIT believes these to be significant tangible benefits for our clients, that we market extensively.

The objective of these "Commercial Plan Review Process Initiatives" as I see it, is to encourage, and more importantly reward those design professionals that perform their work in the most complete and comprehensive manner. These initiatives can have a positive impact on how plans will be prepared by the design professional.

Although some design professionals may balk at "outsiders" (reviewers) evaluating their work. I believe this will create a legitimate check on the thoroughness of their work, that is currently only self policed by the individual, company, or profession. The self policing procedures currently in use have been insufficient to eliminate common, but critical omissions from drawings being submitted for review. The proposed evaluations are focused on completeness. Not competency, accuracy, or appropriateness of the documents which will remain, as always, the responsibility of the designer.

The reward of these initiatives is preferential scheduling treatment for plans prepared by professionals that demonstrate completeness of their work. This is a significant incentive for the design professional and more importantly for the client(s) they serve. This reward is necessary and sufficient to induce compliance of minimal submittal requirements from most design professionals.

Therefore, I personally, and my company strongly support all the initiatives being proposed because they encourage better, more complete construction documents. Complete plans are in everyone's best interest; the developer, contractor, architect/engineer, occupant/owner, plan reviewing and building inspection agency, and most importantly the public's health and safety.

Additionally, I would like to conclude with a request that follows up on the completeness of plans theme. The current commercial development regulations appear to be incomplete and insufficient to ensure appropriately designed and constructed earth retaining structures. There are currently, and have been previously several retaining structures with problems. Although the building department is currently abdicating all responsibility for these structures. In many projects the retaining wall is a very significant part of the development, especially when considering health and safety protection for the public.

Therefore, I request that the Commission review and reevaluate the design requirements for plan submittal of retaining structures. In making that request I am offering the assistance of my firm which has extensive experience in retaining wall design and preparing regulations that govern them. I was principal author of the "Design Manual for Segmental Retaining Walls" the guidelines used by most professionals, and EIT prepared the Town of Boone's Unified Development Ordinance that specifies performance requirements for grading and retaining structures. (copies attached)

Thank you for time and attention.

If you are interested in having EIT provide assistance on this subject or have any questions please contact me at (704) 824-0121.

Respectfully submitted,



Michael R. Simac, PE
Principal Engineer

enclosure: Town of Boone Ordinance & SRW Design Manual cover sheet.